



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Contact: Jeff Lungren/Terry Shawn
202-225-2492

Hostettler Announces Oversight Hearings Beginning Next Week on EEOICPA

WASHINGTON, D.C. – The House Judiciary Committee Subcommittee on Immigration, Border Security and Claims has announced that the first of a series of hearings on the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) will begin next week. Over the last 50 years, the Department of Energy/Atomic Energy Commission often did not protect workers' health or monitor the workers' radiation exposures. When there was no monitoring or records no longer exist, EEOICPA directs the Department of Health and Human Services (HHS), with a review by the Advisory Board on Radiation and Worker Health, to designate these workers as members of the "Special Exposure Cohort" (SEC). Under the SEC, benefits are paid if the workers received on-the-job radiation exposure for a year and developed 1 of 22 cancers after 5 years. The Labor Department provides eligible claimants with a payment of \$150,000 plus medical benefits.

"It is a concern that the Office of Management and Budget (OMB) focus on influencing the independent review participants – the Advisory Board and the audit contractor – while ignoring much more costly areas of potential waste in the program, could be seen as an attack on the checks and balances written into EEOICPA," stated Rep. John N. Hostettler, Chairman of the House Judiciary Immigration, Border Security and Claims Subcommittee. "Actions that undercut the claimants' trust, whether real or perceived, such as replacing Board members with individuals who will advance the goal of benefit cuts is contrary to Congressional intent. If the OMB should become the final determining body for the approval of these scientific decisions, each Special Exposure Cohort denial will not survive public scrutiny and the program's credibility will be further diminished in the eyes of these workers. The mission of this program was to acknowledge these workers' sacrifices for their country, not reaffirm the government's betrayal of their trust yet again."

Next week's hearing will focus on an internal OMB document outlining a strategy for cutting future benefits for these sick workers. The document lays out a plan to control the

process for independent review of SEC petitions, and take over the powers of the Secretary of HHS to approve these petitions. The Subcommittee has strong concerns about the actions outlined in the OMB document.

The Subcommittee will also examine whether the agencies implementing EEOICPA are adequately serving the needs of Cold War-era workers. In their “passback” document, OMB commends the Department of Labor (DOL) for raising concerns about increasing costs from SECs. DOL was tasked with running a non-adversarial claims process. Their role in efforts to impact the outcomes of HHS's scientific evaluations to reduce benefit costs could taint perceptions about the agency's neutrality as the claims administrator. Additionally, questions about current conflict of interest policies which allow National Institute for Occupational Safety and Health (NIOSH) contractors and NIOSH staff to assess compensation claims for sites where they formerly managed the health physics programs may be a real concern.

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